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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/661,834	06/11/1996	JOSEPH P. KRONZER	45751USA6C	7134

32692 7590 07/31/2003

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EXAMINER

LEWIS, AARON J

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 07/31/2003

45

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

08/661,834

Applicant(s)

KRONZER ET AL.

Examiner

AARON J. LEWIS

Art Unit

3761

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

  
AARON J. LEWIS  
Primary Examiner  
Art Unit: 3761

Continuation of 5. does NOT place the application in condition for allowance because: APPLICANTS' ASSERTION THAT CLAIMS 25 AND 32 HAVE BEEN MISINTERPRETED IS DISAGREED WITH BECAUSE CLAIMS 25 AND 32 HAVE BEEN INTERPRETED IN A MANNER CONSISTENT WITH THAT SET OUT BY THE BOARD OF APPEALS (ON PAGES 4-5) IN ITS REMAND OF 09/30/2002. APPLICANTS' ASSERTION THAT THE NON-WOVEN FIBROUS LAYERS OF DYRUD CONTAINING 85% OR LESS BICOMPONENT FIBERS WOULD NOT INHERENTLY POSSESS A SURFACE FUZZ VALUE OF AT LEAST 7.5 BASED UPON EXAMPLES 24 AND 25 IN TABLE I OF THE INSTANT SPECIFICATION IS DISAGREED WITH BECAUSE WHILE EXAMPLES 24 AND 25 INCLUDE BICOMPONENT FIBERS AMOUNTS OF 70% AND 85% (I.E. AT LEAST 10% AS REQUIRED BY THE CLAIM LANGUAGE), RESPECTIVELY, THESE EXAMPLES DO NOT CONTAIN AT LEAST 40% THERMALLY BONDING FIBERS AS REQUIRED BY THE CLAIM LANGUAGE, RATHER THESE EXAMPLES APPEAR TO CONTAIN 30% AND 15%, RESPECTIVELY, OF THERMALLY BONDING FIBERS. AS TO APPLICANTS' ARGUMENTS REGARDING THE EXAMINER'S STATEMENT THAT APPLICANTS' ARGUMENTS ARE PERSUASIVE WITH RESPECT TO A SURFACE FUZZ VALUE WHICH EXCEEDS 8.0, IT IS SUBMITTED THAT NEITHER OF CLAIMS 25 NOR 32 IS LIMITED TO A SURFACE FUZZ VALUE WHICH EXCEEDS 8.0; THEREFORE, DYRUD CONTINUES TO BE PROPERLY APPLICABLE AS PRIOR ART. FURTHER, SINCE DYRUD MEETS ALL REQUIREMENTS OF CLAIMS 25 AND 32 WITH RESPECT TO THE RECITED INGREDIENTS AND PERCENTAGES AND THE MASK IS FORMED BY THERMALLY BONDING THE FIBERS, THE RESULTING MASK WILL MEET THE CLAIMED REQUIREMENTS FOR FUZZ VALUES.